

★ APR 29 2019 ★

LONG ISLAND OFFICE

WK/ELM
F. #2017R00321

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
-----X

UNITED STATES OF AMERICA

- against -

BRIAN S. OFSIE,

Defendant.
-----X

INFORMATION

Cr. No. 19-175 (SJF)
(T. 18, U.S.C., §§ 982(a)(2), 982(b)(1),
1349 and 3551 et seq.; T. 21, U.S.C.,
§ 853(p))

THE UNITED STATES ATTORNEY CHARGES:

INTRODUCTION

At all times relevant to this Information, unless otherwise indicated:

I. The Defendant and Relevant Entities

1. The defendant BRIAN S. OFSIE, a resident of Suffolk County, New York, was the President and a joint owner of Vanguard Funding, LLC.
2. Vanguard Funding, LLC ("Vanguard") was a New York State limited liability company and a mortgage lender headquartered in Garden City, New York, authorized and acting under the laws of the United States. Vanguard provided residential mortgages to its individual clients. Vanguard funded mortgages it issued with money it borrowed from Santander Bank ("Santander"), BankUnited and Northpointe Bank ("Northpointe") (collectively, "the Banks").
3. The Banks were "financial institutions" as defined in Title 18, United States Code, Section 20. The deposits of the Banks were insured by the Federal Deposit Insurance Corporation.

II. The Fraudulent Loan Scheme

4. In or about and between approximately August 2015 and March 2017, the defendant BRIAN S. OFSIE, together with others, orchestrated a scheme to defraud the Banks by obtaining, and attempting to obtain, loans from the Banks by falsely representing that the money from the loans would be used by Vanguard to fund specified home mortgages.

5. The Banks wired the loan money from accounts located in, among other places, Miami-Dade County, Florida, and Essex County, New Jersey, to an attorney trust account (the "Attorney Trust Account") in Nassau County, New York, controlled by Co-Conspirator #1, an individual whose identity is known to the United States Attorney.

6. Co-Conspirator #1 thereafter was responsible for: (a) disbursing the loan money on behalf of Vanguard's clients to pay for the properties purchased with the mortgages and any associated costs and fees, and (b) processing the legal documents transferring ownership interest in the properties.

7. On multiple occasions, however, at the request of the defendant BRIAN S. OFSIE and others, Co-Conspirator #1 did not disburse the money in connection with real estate transactions as described above. Instead, at the request of co-conspirators who worked at Vanguard, Co-Conspirator #1 fraudulently diverted the loan money from the Attorney Trust Account to a Vanguard bank account.

8. The money diverted to Vanguard was not used to fund mortgages for Vanguard's clients, as represented to the Banks. Instead, the money was used, among other things, to: (a) pay Vanguard executives' personal expenses and compensation, and (b) pay off loans Vanguard had previously obtained purportedly to fund mortgages but, instead, used for improper purposes.

CONSPIRACY TO COMMIT WIRE FRAUD AND BANK FRAUD

9. The allegations contained in paragraphs one through 8 are realleged and incorporated as if fully set forth in this paragraph.

10. In or about and between August 2015 and March 2017, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant BRIAN S. OFSIE, together with others, did knowingly and intentionally conspire:

(a) to devise a scheme and artifice to defraud the Banks, and to obtain money and property from them by means of one or more materially false and fraudulent pretenses, representations and promises and, for the purpose of executing such scheme and artifice, to transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce writings, signs, signals, pictures and sounds, contrary to Title 18, United States Code, Section 1343; and

(b) to execute a scheme and artifice to defraud the Banks and to obtain moneys, funds, credits and other property owned by and under the custody and control of the Banks, by means of one or more materially false and fraudulent pretenses, representations and promises, contrary to Title 18, United States Code, Section 1344.

(Title 18, United States Code, Sections 1349 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

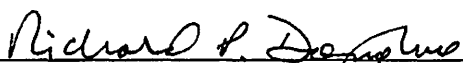
11. The United States hereby gives notice to the defendant that, upon his conviction of the offense charged herein, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(2), which requires any person convicted of such offense to forfeit any property constituting, or derived from, proceeds obtained directly or indirectly as a result of such offenses.

12. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 982(a)(2) and 982(b)(1); Title 21, United States Code, Section 853(p))


RICHARD P. DONOGHUE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

F. #2017R00321
FORM DBD-34
JUN. 85

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

BRIAN S. OFSIE,

Defendant.

INFORMATION

(T. 18, U.S.C., §§ 982(a)(2), 982(b)(1), 1349 and 3551 et seq;
T. 21, U.S.C., §853(p))

Filed in open court this _____ *day,*

of _____ *A.D. 20* _____

Clerk

Bail, \$ _____

Elizabeth L. Macchiaverna, Assistant U.S. Attorney (718) 254-6351